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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FILE

In the Matter of:

Amendment of Parts 21, 22, 23,
and 25 of the Commission's Rules
To Require Reporting of Station
Frequency and Technical
Parameters for Registration by
the Commission with the
International Frequency
Registration Board

CC Docket No. 92-160

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FEDERAL COMMUNICATIONS COMMISSION
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Comments of
HUGHES COMMUNICATIONS, INC.

Hughes Communications, Inc. ("Hughes") submits these comments on the Commission's Notice of Proposed Rulemaking in the above-referenced matter (the "Notice").

As a leader in the satellite telecommunications industry, Hughes favors the Commission's efforts to improve the frequency coordination process for services that require international frequency protection. Hughes finds, however, that some of the specific proposals announced in the Notice require additional clarification about their applicability to particular segments of the satellite industry. Interpreted in their broadest sense, some of these proposals would impose burdensome reporting obligations that could be tailored more narrowly and still achieve the desired objective.

The Notice appears to add unnecessary and burdensome filing requirements for both users of very small aperture terminal ("VSAT") technology and satellite operators. As set forth in more detail below, Hughes therefore requests additional

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clarification from the Commission: (i) as to the applicability of the proposed Part 25 amendments to VSAT users; and (ii) as to the requirements, if any, placed upon earth station and satellite licensees to provide updated technical information to the Commission every time that a change occurs in the particular loading of a satellite.

DISCUSSION

I. Applicability of the Proposed Filing Requirements to Users of VSAT Technology

Hughes, through its subsidiaries, is a leading provider of Ku-band satellite capacity. The SBS-4 satellite, its replacement, Galaxy VII(H), and the SBS-5 satellite, are all largely dedicated to the provision of VSAT services. The VSAT networks using these satellites have hundreds or even thousands of VSAT installations per network. For such applications, they provide a cost-effective competitive medium, in part due to the ease of the licensing process for users. Any proposal to increase the licensing and/or reporting obligation of VSAT users will affect the economics of VSAT technology.

Hughes requests clarification of the extent to which the Commission intends to apply the requirements of the Notice to VSAT users. Although footnote 2 of the Notice declares that VSAT facilities authorized under the Part 25 blanket licensing procedure are subject to the additional reporting requirements, the specific amendments to Section 25.111(b) require that applicants, licensees, and permittees of stations governed by Part 25 provide in the designated format only the information

that "it [the Commission] requires for the Advance Publication, coordination and notification of frequency assignments pursuant to international Radio Regulations." It is not clear whether the Commission intends to require a VSAT system to provide this additional technical information for every individual earth station in the facility's network, or whether the Commission merely intends to require that the facility file in machine readable format the general information currently required for each large station and for each representative type of small remote station. The latter would be consistent with the Commission's current blanket licensing of VSAT networks, which provides the flexibility to implement hundreds or thousands of VSATs under one main license.

If the Commission intends to apply the additional filing requirements to each individual earth station in a VSAT network, Hughes opposes the proposed amendments. The additional information that would be accumulated by applying the Notice in that manner to VSAT users is both unnecessary for frequency interference protection and unduly burdensome. The interference concerns that exist with respect to C-band operations have not been present in 12/14 GHz ("Ku-band") operations. The Commission has therefore licensed Ku-band facilities in the past without requiring formal frequency coordination data on each individual earth station in the network. See First Report and Order, 6 FCC Rcd 2806 (1991); 47 C.F.R. § 25.115(c). Hughes is aware of no industry development that would mandate a reconsideration of this policy. Applying the Part 25 amendments to VSAT users would vitiate the policy rationale adopted by the Commission when it

authorized blanket licensing of these networks. See 51 Fed. Reg. 15067 (Apr. 22, 1986).

Not only are the additional filing requirements unnecessary for these users, but the burden of complying with the proposed rules that would be placed upon VSAT facilities would be immense. Requiring users to provide the volume of information sought by the Commission's proposal¹ would increase the cost and complexities of introducing VSAT technology, and would inevitably lead to delays in the licensing process. This would negate the advantages of the existing blanket licensing procedure and threaten the future of the VSAT industry. Hughes therefore recommends that the Commission not apply the reporting requirements proposed by the Notice to VSAT services.²

II. The Proposed Additional Reporting Requirements Should Not Be Triggered Each Time a Change in Frequency Use Occurs

The Commission's attempt to improve the procedure for assuring international frequency interference protection is laudable. Hughes is concerned, however, that the amendments proposed by the Commission would require satellite licensees to provide updated information every time that the use of a satellite's frequencies changes. Hughes requests a clarification

1 It is not unusual for a VSAT network to comprise thousands of individual earth stations. Compiling the necessary data for each earth station in the network would require an immense commitment of time and labor, making the cost of using such networks prohibitive.

2 At the most, Hughes suggests that the reporting requirements be applied only to applicants who specifically request protection from potential international frequency interference.

from the Commission regarding the extent of the frequency assignment data required by the Notice.

Paragraph two of the Notice discusses the need for notification and registry of "frequency assignments" with the International Frequency Registration Board ("IFRB").³ If the term "frequency assignments" is intended to encompass the specific frequency utilization plan for a satellite, (i.e., the specific entity or service using each frequency), the reporting requirements will be far too burdensome in the dynamic satellite industry. For example, the power levels, carriers, types of services, and amounts of capacity that are used on a given transponder all vary according to customer needs, which themselves vary from time to time. The uses of satellite capacity can change on a daily or weekly basis. Requiring amended information filings each time a change in use occurs would add immeasurably to operating costs.

It is not clear from the Notice why such information would be needed for satellite coordination purposes. Hughes therefore opposes an interpretation of the Notice that would require such amended filings. If the Commission would identify more clearly why it needs this information, Hughes would try to identify other ways in which those needs could be met.

Conclusion

The effect on the telecommunications industry of the changes outlined in the Commission's Notice should not be


³ The proposed amendment to Section 25.111(b) also speaks in terms of "frequency assignments."

underestimated. The amendments establish more than a mechanism for gathering data from industry participants in machine readable form. They impose additional reporting requirements, and hence additional burdens, on many telecommunications services. Hughes therefore encourages the Commission to consider carefully the comments submitted by Hughes and its colleagues in the industry.

Specifically, Hughes requests that the Commission clarify the limited extent (i) to which the Notice applies to VSAT users, and (ii) to which it requires updated filings each time the use of a particular satellite frequency changes. In order to achieve improved frequency coordination with foreign carriers where it is needed, and to avoid unnecessary additional filing requirements where it is not, Hughes recommends that individual VSAT earth stations be exempted from the provisions of the Notice unless they specifically request additional international interference protection, and that updated information not be required each time that a change occurs in the use of a satellite's frequencies.

Respectfully submitted,

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